


Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act

The Federal Lands Recreation Enhancement Act (FLREA)

Highlights of Key Provisions

Public Law #108-447



Federal Lands Recreation Enhancement Act

Summary

- ✓ Provides 10 Year Multi-Agency Authority for NPS, BLM, FWS, BOR and FS
- ✓ Allows Retention of No Less Than 80 percent of Fees Collected by Site to Remain there for Expenditure
- ✓ Creates the ***America the Beautiful, National Parks and Federal Recreational Lands Pass***



Federal Lands Recreation Enhancement Act

Key Provisions

- **I. Fee Authority**
- II. Public Involvement
- III. Fee Expenditures
- IV. Other Key Provisions
- V. Transition

Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act

I. Fee Authority

New Criteria

- ❖ Considerations for **All Recreation Fees**
 - ✓ The Amount is Commensurate with Benefits and Services
 - ✓ Aggregate Effect of Recreation Fees
 - ✓ Comparable Fee Charged Elsewhere




Federal Lands Recreation Enhancement Act

I. Fee Authority

New Criteria

- ❖ **More** Considerations for **All Recreation Fees**
 - ✓ Public Policy and Management Objectives
 - ✓ Input from Recreation Resource Advisory Committee(RRAC) <USFS and BLM Only>
 - ✓ Avoid Collection of Multiple or Layered Recreation Fees for Similar Uses, Activities and Programs



Federal Lands Recreation Enhancement Act

I. Fee Authority

New Criteria

- ❖ Entrance Fees for NPS and FWS
 - ✓ A Unit of the National Park System
- ✓ A Unit of the National Wildlife Refuge System

Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act


I. Fee Authority

New Criteria

❖ [Standard Amenity Fees](#) for BLM, BOR, FS can be charged at sites that have:

“A developed area with specific characteristics and amenities such as toilets, parking, trash receptacles, picnic tables, interpretation, security.”

Standard Amenity Fee = Entrance Fee



Federal Lands Recreation Enhancement Act

I. Fee Authority

New Criteria

❖ [Expanded Amenity Recreation Fees](#) for NPS and FWS:

“...for a specific or specialized facility, equipment, or service.”

Expanded Amenity Recreation Fee = Use Fee



Federal Lands Recreation Enhancement Act

I. Fee Authority

New Criteria

❖ Specifically lists [Expanded Amenity Recreation Fees](#) for BLM, BOR, and FS, which include:

- ✓ Developed Campgrounds with Specific Amenities
- ✓ Highly Developed Boat Launches
- ✓ Rentals
- ✓ Enhanced Interpretive Programs
- ✓ Reservation Services

Federal Lands Recreation Enhancement Act of 2004




Federal Lands Recreation Enhancement Act

I. Fee Authority

New Criteria

❖ Special recreation permits and [Special Recreation Permit Fees](#) for all agencies for specialized recreation uses (group activities, recreation events, motorized recreational vehicle use)



Federal Lands Recreation Enhancement Act

I. Fee Authority

New Criteria

❖ BLM, FS, and BOR are prohibited from charging a [Standard or Expanded Amenity Recreation Fee](#):

- ✓ Solely for parking
- ✓ For undesignated parking, or picnicking along roads or trails
- ✓ For general access or dispersed areas with no or low investment unless specifically authorized
- ✓ For overlooks and scenic pullouts



Federal Lands Recreation Enhancement Act

I. Fee Authority

New Prohibitions

❖ [Entrance or Standard Amenity Recreation Fees](#) are prohibited for:

- ✓ Persons under 16 years of age
- ✓ Outings conducted for noncommercial educational purposes by schools or bona fide academic institutions
- ✓ Any person engaged in a non-recreational activity authorized under a valid permit


Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act

Key Provisions

- I. Fee Authority
- **II. Public Involvement**
- III. Fee Expenditures
- IV. Other Key Provisions
- V. Transition



Federal Lands Recreation Enhancement Act

II. Public Involvement

Public Participation

❖ Requires Secretary to Develop Guidelines Providing for:

- ✓ How to Inform the Public on the Use of Fee Revenues
- ✓ Public Participation



Federal Lands Recreation Enhancement Act


II. Public Involvement

Recreation Resource Advisory Committees (RRACs)

❖ **NPS is not required to establish or use RRACS**; however, BLM and FS **MUST**:

- ✓ Establish new RRACs or use existing RRACS
- ✓ RRACS can make recommendations on implementation, establishment or expansion of fees

Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act

II. Public Involvement

Public Participation

❖ NPS MUST provide public notice of:

- ✓ New Fee Areas
- ✓ New Recreation Fees
- ✓ Changes to Existing Fees
- ✓ Use of Fee Revenues for Improvements


❖ NPS can provide this by using DO-75A
Civic Engagement and Public Involvement



Federal Lands Recreation Enhancement Act

Key Provisions

- I. Fee Authority
- II. Public Involvement
- **III. Fee Expenditures**
- IV. Other Key Provisions
- V. Transition



Federal Lands Recreation Enhancement Act

III. Fee Expenditures

Expenditure Categories

❖ Allows retention of no less than 80 percent of fees collected by site to remain there for expenditure

❖ A provision in FLREA allows the Secretary to reduce retention to 60 percent at a site for a year, if the Secretary determines the revenues collected at that unit exceed the reasonable needs of that unit

Federal Lands Recreation Enhancement Act of 2004




Federal Lands Recreation Enhancement Act

III. Fee Expenditures

Expenditure Categories

- ❖ Repair, maintenance, and facility enhancement related *directly* to *visitor* enjoyment, *visitor* access, and health and safety
- ❖ Interpretation, *visitor* information, *visitor* service, *visitor* needs assessments, and signs



Federal Lands Recreation Enhancement Act

III. Fee Expenditures

Expenditure Categories

- ❖ Habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation or photography
- ❖ Law enforcement related to public use and recreation




Federal Lands Recreation Enhancement Act

III. Fee Expenditures

Expenditure Categories

- ❖ Direct operating or capital costs associated with the program
- ❖ A fee management agreement or visitor reservation service

Federal Lands Recreation Enhancement Act of 2004




Federal Lands Recreation Enhancement Act

III. Fee Expenditures

Expenditure Categories


- ❖ Administration, Overhead, and Indirect Costs capped at an average of **15 percent** of total revenues for each Department
- ❖ No recreation fees may be expended for:
 - ✓ Biological Monitoring under the Endangered Species Act
 - ✓ Employee Bonuses



Federal Lands Recreation Enhancement Act

Key Provisions

- I. Fee Authority
- II. Public Involvement
- III. Fee Expenditures
- **IV. Other Key Provisions**
- V. Transition




Federal Lands Recreation Enhancement Act

IV. Other Key Provisions

America the Beautiful, the National Parks and Federal Recreational Lands Pass (ATB)

- ✓ Repeals the National Parks Pass and replaces it with ATB
- ✓ Pass covers entrance and standard amenity recreation fees
- ✓ Division of fees among agencies will be determined through guidelines
- ✓ Retains Senior and Disability discounts except for 50 percent discount of “use” fees

Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act

IV. Other Key Provisions

America the Beautiful, the National Parks and Federal Recreational Lands Pass

❖ Issues Yet To Be Determined:

- ✓ Price of pass
- ✓ Who is included on pass (number of visitors, family, vehicle etc.)



Federal Lands Recreation Enhancement Act

IV. Other Key Provisions

America the Beautiful, the National Parks and Federal Recreational Lands Pass

❖ Issues Yet To Be Determined:

- ✓ Overall management – role, if any of National Park Foundation
- ✓ How pass revenues are distributed to agencies
- ✓ Role of NRRS/Recreation.gov



Federal Lands Recreation Enhancement Act


IV. Other Key Provisions

America the Beautiful, the National Parks and Federal Recreational Lands Pass

❖ Pass Transition:

- ✓ National Parks Pass, Golden Eagle, Golden Age and Golden Access Passes will continue to be sold until the new pass is made available
- ✓ Existing Passes will remain valid under existing benefits until expired
- ✓ Expenditures of NPP revenues will remain the same until America the Beautiful Pass is implemented

Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act

IV. Other Key Provisions

Fee Management Agreements

❖ For Fee Collection and Processing, Emergency Medical, or Law Enforcement Services

❖ Requires the Secretary to Consider and Respond to County Proposals to Provide Services



Federal Lands Recreation Enhancement Act

IV. Other Key Provisions

Regulations

Regulations or policies issued under repealed laws remain in effect to the extent they are consistent with the law until replaced with new policies or guidelines

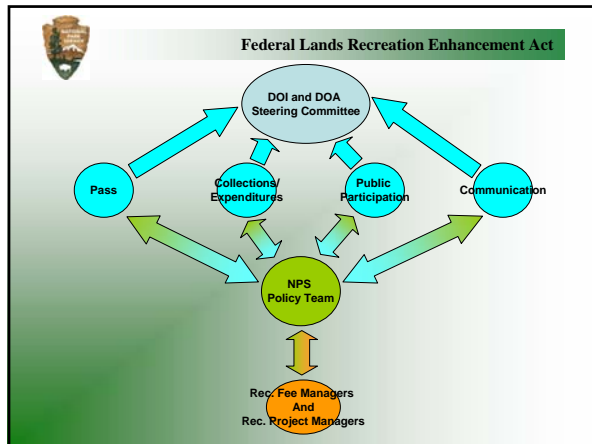


Federal Lands Recreation Enhancement Act

Key Provisions

- I. Fee Authority
- II. Public Involvement
- III. Fee Expenditures
- IV. Other Key Provisions
- V. Transition**

Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act

V. Transition

Fee Collection

- ❖ Each park should check to insure they have authority to charge a fee – either entrance or expanded amenity
- ❖ 16 year olds may now be charged – under 16 may not be charged entrance fee


Federal Lands Recreation Enhancement Act

V. Transition

Expenditures

- ❖ For Fee Revenue not obligated by December 8, 2004
 - ✓ FLREA specifically states that fees **MUST NOT** be used for:
 - Biological monitoring under Endangered Species Act for “listed or candidate species”
 - Employee bonuses

Federal Lands Recreation Enhancement Act of 2004




Federal Lands Recreation Enhancement Act

V. Transition

Expenditures

❖ For Fee Revenue not obligated by December 8, 2004

✓ MUST obligate on the projects with a *direct visitor connection* (i.e.projects that meet the expenditure categories of the law)



Federal Lands Recreation Enhancement Act


V. Transition

Expenditures

❖ Reporting for FLREA:

✓ On a 3-year cycle

✓ 1st report due FY 2006 which includes the transition period



Federal Lands Recreation Enhancement Act


V. Transition

Expenditures

❖ Projects already approved in PMIS, but with no funds obligated should be reviewed & edited or removed from Fee Demo fund sources as appropriate to ensure compliance with the new requirements.

❖ Even though Endangered Species Act monitoring is prohibited, restoration of habitat for "T& E" species can continue, if connected to the visitor with the monitoring function funded by another fund source.

Federal Lands Recreation Enhancement Act of 2004




Federal Lands Recreation Enhancement Act

V. Transition

Expenditures

- ❖ *Servicewide Comprehensive Call (SCC)*
 - ✓ Review projects at the park, region and WASO for:
 - Clear PMIS Titles
 - Strong PMIS Narratives that clearly illustrates compliance with FLREA, in particular, describing the *direct visitor connection*




Federal Lands Recreation Enhancement Act

V. Transition

Expenditures

- ❖ *Servicewide Comprehensive Call (SCC)*
 - ✓ Biological monitoring for species under the Endangered Species Act is not allowed. This activity should be a separate PMIS component of the project to be funding by another fund source.
 - ✓ Employee bonuses not allowed




Federal Lands Recreation Enhancement Act

V. Transition

Expenditures

- ❖ Policies to be determined:
 - ✓ Revenue Allocation Shift -- when and where from 80/20 percent split to 60/40 percent split
 - ✓ Revenue allocation of the Director's Discretionary Funds (the 20 percent/NPP 30 percent funds) will need to be revisited
 - ✓ Project Approval Process is not detailed in FLREA
 - ✓ Limiting projects to Federal Lands is not detailed in FLREA

Federal Lands Recreation Enhancement Act of 2004




Federal Lands Recreation Enhancement Act

V. Transition

Expenditures

- ❖ Policies to be determined:
 - ✓ Funding Permanent Employees/Operations
 - Reporting and accountability issue
 - Funding base operations could result in an offset to operating budgets




Federal Lands Recreation Enhancement Act

V. Transition

Expenditures

FLREA provides the framework, but development of NPS policies will address other continuing commitments of the fee revenues such as deferred maintenance.



Federal Lands Recreation Enhancement Act

V. Transition

Fee Collection

- ❖ Policies to be determined:
 - ✓ Sole authority

"Recreation fees charged under this Act shall be in lieu of fees charged for the same purposes under any other provision of the law"

- ✓ NPS policies related to interagency pass -- distribution of Servicewide funds

Federal Lands Recreation Enhancement Act of 2004



Federal Lands Recreation Enhancement Act

Vision Statement

The recreation fee program is integral in supporting the NPS in its mission to protect and enhance resources, programs and visitor services through the collection and expenditure of recreation fees. The program provides a high level of customer service through the integrity and professionalism of its operations, employees and partners. This program is managed through a collaborative effort of experienced individuals committed to building a constituency in support of the mission of the National Park Service.

Washington and Regional Fee Program Managers
August, 2000



Federal Lands Recreation Enhancement Act